

**Amendments to the Drawings:**

The attached replacement drawing sheet include changes to FIG. 3.

### REMARKS

Claims 9-17 are currently pending in this application, with claims 9, 14 and 16 being the only independent claims. The specification has been amended. The drawing have been amended. No new matter as been added. Reconsideration of the above-identified application, as herein amended, is respectfully requested.

The disclosure has been objected to based on a minor informality. According to the Examiner, “at the end of the replaced paragraph spanning pages 1-1a, the US application No should be inserted in place of the German one (as was done at the beginning of the same paragraph)”. In response to this objection, Applicants have amended the specification in a self-explanatory manner.

According to the Examiner, “reference numeral **14** (pages 5 and 6) is not found in the figures”. In response to this objection, Applicant has amended the specification such that reference numeral 14 has been replaced with reference numerals **14a-14f** which are shown in FIG. 2.

The Examiner has also object to the drawings. Withdrawal of this objection is now in order. The Examiner has suggested that “Fig. 3 be redrawn with the same care and quality used in Figs. 1 and 2”. In response to this objection to the drawings, applicants submit herewith new FIG. 3 that has been redrawn in a manner that is believed to address this specific objection. No new matter has been added. Entry of amended FIG. 3 is respectfully requested.

Withdrawal of the objections is in order.

Claims 9-15 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent Application Publication No. 2004/0132498 (“*Clabunde*”). Claims 16 and 17 have been rejected

as unpatentable over *Clabunde* in view of U.S. Patent Application Publication No.

2004/0031667 (“*Dinkel*”). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claims 9, 14 and 16 each recite the limitation “an annular rotary encoder having an inner ring and a rotary ring arranged in said pot-shaped guide element and defining an interior space”. *Clabunde* fails to teach or suggest this limitation.

The design of the operator control element specified in *Clabunde* has proven to be very complicated (see the paragraph beginning on page 1, line 18, of the application. Therefore, the claimed invention is directed to providing an operator control element for a multimedia or navigation system in a motor vehicle, where the operator control element is of a simplified and, therefore, more cost-effective design.

The Examiner (pg. 2 of the Office Action) asserts that:

The Clabunde control unit comprises a rotary encoder (6a, 6b) with the inner ring arranged in a pot-shaped guide element (receptacle 14) which is linearly movable along the axis (z) ([0020]-[0022])....

Accordingly, the Examiner alleges that the component described in paragraphs [0020]-[0022] of *Clabunde*, i.e., receptacle 14, corresponds to the claimed “pot-shaped guide element”. Applicants disagree because, as will be described in more detail below, *Clabunde* fails to disclose that the actuator comprises an annular rotary encoder having an inner ring and a rotary ring arranged in a pot-shaped guide element (i.e., receptacle 14).

With reference to FIG. 1 of *Clabunde*, it is clear that the inner ring 6a and outer ring 6b are not arranged in receptacle 14. Rather, inner ring 6a and outer ring 6b are each disposed

radially outside of the perimeter of receptacle 14 and, hence, they are clearly not located “in said pot-shaped guide element”, as expressly recited in independent claim 9. *Clabunde* thus fails to teach independent claims 9, 14 and 16 for at least this reason.

In addition, independent claims 9, 14 and 16 recite a momentary contact switch that is “actuatable by said pot-shaped guide element”. The receptacle 14 of *Clabunde*, however, does not itself actuate a switch. Indeed, the joystick 3 of *Clabunde* has a switch but this switch is not actuated by the receptacle 14. Clearly the actuator of independent claims 9, 14 and 16 is much simpler than the arrangement disclosed in *Clabunde*, which claimed simplified actuator is not disclosed in *Clabunde*. For all of the above reasons, amended independent claims 9, 14 and 16 are patentable over *Clabunde*, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) are therefore in order, and a notice to that effect is respectfully requested.

The Examiner acknowledges that *Clabunde* fails to disclose the location for placing the claimed control unit, and cites *Dinkel* in an attempt to cure this shortcoming of *Clabunde*.

*Dinkel* discloses a plurality of operator controls that is accommodated on a rotatable carrier element in the armrest of a vehicle seat (see Abstract). However, *Dinkel* fails to cure the deficiency of the device disclosed in *Clabunde*, because *Dinkel* fails to teach or suggest “an annular rotary encoder having an inner ring and a rotary ring arranged in said pot-shaped guide element” and the “momentary contact switch”, as recited in independent claim 16, let alone dependent claim 17. Dependent claim 17 is therefore also patentable over the combination of *Clabunde* and *Dinkel*.


Reconsideration and withdrawal of the rejection under 35 U.S.C. §103(a) are therefore in order, and a notice to that effect is respectfully requested.

In view of the patentability of independent claims 9, 14 and 16, for the reasons set forth above, dependent claims 10-13, 15 and 17 are also patentable for at least the same reasons, as well as for the additional recitations contained therein.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,  
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